

containing a marked-up version of the changes requested to be made to the specification, drawing and claims by the instant amendment.

### **Drawings**

Figure 3 has been marked up in red to show a planar support surface 119. The Examiner is requested to approve this change to the drawings.

### **The Restriction Requirement**

The Office action states that restriction, in accordance with 35 USC §121, to one of the inventions of either Group I, claims 1-20, or Group II, claims 21-23 is required. This is because the inventions of Group I and Group II are asserted as being a restrictable process of making and product made where the process as claimed can be used to make other and materially different product or the product as claimed can be made by another and materially different process. However, Applicant respectfully traverses the requirement, although, since Applicants have canceled these claims rendering this point moot, Applicants will not respond to this restriction at this time and instead respond during prosecution of a subsequently filed divisional application.

The Office action further states that the application contains claims directed to the following patentably distinct species of the claimed invention: Group A, Figures 2 and 3; Group B, Figure 4; Group C, Figure 5; Group D, Figure 6, 6A and 6B; Group E Figures 7 and 7A; Group F, Figure 8; and Group

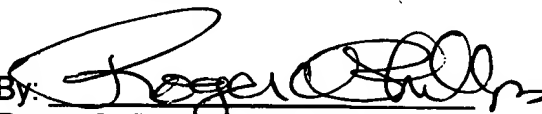
G, Figure 9. Applicants also respectfully traverse the present election of species, although, Applicants provisionally elect Group B, Figure 4 and all claims, as now pending, are readable on Group B, Figure 4. Applicants will further respond to this election during prosecution of a subsequent divisional application.

### **Conclusion**

In view of the foregoing, Applicants respectfully request examination, consideration and allowance of each of pending claims 4, 5 and 24-36.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any remaining matters.

Respectfully submitted,

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**Appendix (amendment to specification and marked-up claims)**

**In the Specification:**

Page 3, line 13, the following paragraph is inserted.

--As used herein, the term "self-gripping legs" refers to legs that, by themselves, grip and maintain a hold on a base sufficient to support implements such as surgical instruments in an upright manner.--

Page 7, lines, 7-8, the brief description of Figure 3 is amended as follows:

Figure 3 is a perspective view of the instrument organizer of Figure 2 [including surgical instruments disposed thereon] disposed on a planar support and, in turn, supporting surgical instruments in an upright position, with the movable stabilizing post secured to the organizer and providing support to the instruments;

Page 9, line 22 through page 10, line 8, the paragraph is amended as follows:

The movable stabilizing post 100, therefore, is fit on the base 112 of the organizer 110 so that the opposing, inwardly facing surfaces 106, 108 of the gripping legs 102, 104 of the movable stabilizing post 100 may solely grip the

front and rear surfaces 111, 113 of the base, whereby the movable stabilizing post can be attached to the base of the organizer at any point between the fixed end posts 114, 116 and be retained in place at that point by the gripping legs. Preferably, a length "l" of the gripping legs 102, 104 is either not greater than or is equal to a height "h" of the base 112 of the organizer 110 so that a bottom surface 105 of the post 103 of the moveable stabilizing post 100 contacts a top surface 115 of the base 112 to provide additional stability. Preferably, as illustrated, the movable stabilizing post is formed from a blank of material such that the post 103 includes exterior surfaces which are generally planar and integral with corresponding exterior surfaces of the gripping legs 102, 104.

Page 10, lines 9-16, the paragraph is amended as follows:

As shown in Figure 3, the movable stabilizing post 100 can be positioned on the base 112 of the organizer 110 which is, in turn, disposed on a planar support surface 119. Use of the movable stabilizing post 100, insures that [to retain] surgical instruments 200, 201, 202 will be maintained in an upright position between the movable stabilizing post and one of the fixed end posts 116 of the organizer. The movable stabilizing post 100 prevents instruments, partially supported on the organizer 110 and partially supported on planar support surface 119, from toppling over from their upright positions and becoming mixed and disorganized. The improved organization and accessibility provided by the organizer/stabilizing post find particular utility before and during a surgical procedure, and/or in preparation for sterilization.

Page 10, lines 17-23, the paragraph is amended as follows:

Preferably, the organizer 110 and the movable stabilizing post 100 are both made of a non-woven, non-absorbent, lint-free material. The organizer 110 and the movable stabilizing post 100 are preferably made of a lint-free foam plastic which is, as illustrated and described below, insufficiently rigid to partially support surgical instruments 200, 201, 202 absent a planar support surface. In addition, it is envisioned that the organizer 110 and the movable stabilizing post 100 can be provided in a sterile state. Preferably the organizer 110 and the movable stabilizing post 100 are composed of a non-reticulated polyurethane foam having the physical properties provided in TABLE 1.

Page 11, lines 4-9 (below TABLE 1), the paragraph is amended as follows:

Referring in particular to Figure 2, the organizer 110 can also be provided with a double-sided adhesive strip 118 on a bottom surface of the base 112 of the organizer. The adhesive strip 118 allows the organizer 110 to be secured to a planar support surface 119, such as a tray or table top for example, to hold the organizer in place and further prevent surgical instruments supported thereon from toppling over and becoming disorganized. The adhesive strip 118 may further be provided in a sterile state.

**In th Drawings:**

Please substitute the amended Figure 3 as attached hereto that has been marked up in red to show a planar support surface 119.

**In the Claims:**

Claims 4 and 5 have been amended as follows:

4. (Amended) The couple of claim 24,[3] wherein the coupling device comprises a wall portion defining an aperture that is dimensioned and configured to receive adjoining end posts of each instrument organizer when the end posts are disposed in juxtaposition.

5. (Amended) The couple of claim 24,[3] wherein the coupling device comprises a collar including a wall portion having a generally rectangular outer configuration in cross section and defining an aperture having a generally rectangular configuration for receiving two end posts each having a cubical outer configuration.